

AMENDMENTS TO THE DRAWINGS

Figure 2 has been amended to eliminate reference numerals “53”, “81”, “82”, “91”, “100”, “101”, “102”, which are not discussed in the specification.

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-11 that were pending in the application, claims 1-4, 10, and 11 were rejected in the Office Action. Applicants appreciate the indication of allowable subject matter in claims 5-9. By way of this amendment, Applicants have: (a) amended claims 3, 5, 6, 9, and 11; (b) added new claim 12; and (c) cancelled claim 10, without prejudice or disclaimer. Claims 5 and 6 were amended only to correct clerical errors. Accordingly, claims 1-9, 11, and 12 are respectfully presented for further consideration.

1. Objection to the Specification

The Examiner objected to the specification for various typographical errors, each of which has been fully obviated by way of the amendments made herein to the specification. Accordingly, as the grounds for the objection are now moot, a withdrawal of the objection is both warranted and earnestly solicited.

2. Rejection of Claims 9-11 under 35 U.S.C. § 112, ¶ 2

The Examiner rejected claims 9-11 under 35 U.S.C. § 112, ¶ 2 as allegedly “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Preliminarily, this rejection is now moot with respect to claim 10, due to the cancellation of claim 10, without prejudice or disclaimer. Accordingly, the rejection will be addressed with respect to claims 9 and 11.

By way of the amendments made herein to claims 9 and 11, Applicants respectfully submit that the grounds for this rejection with respect to these claims have been fully obviated. Accordingly, a withdrawal of the rejection of claims 9 and 11 under § 112 is both warranted and earnestly solicited.

3. Rejection of Claims 1-4, 10, and 11 under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 10, and 11 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,199,399 (“Shibuya”). Preliminarily, this rejection is now moot with respect to claim 10, due to the cancellation of claim 10, without prejudice or disclaimer. Accordingly, the rejection will be addressed, and respectfully traversed, with respect to claims 1-4 and 11.

a. Claims 1-4

As originally presented, claim 1 (*i.e.*, the claim from which claims 2-4 depend) recites a control apparatus for an automotive vehicle. This control apparatus includes, among other possible things (*italic emphasis added*):

a continuously variable transmission associated with a vehicular engine, including a belt that transmits a revolution of a primary pulley to a secondary pulley, and that is enabled to make a gear shift by modifying a pulley ratio between the primary and secondary pulleys with a hydraulic;

a belt slip determining section that determines if a slip of the belt between at least one of the primary and the secondary pulleys occurs; and

an output section that outputs a signal to command an engine control unit to increase an engine speed by *a predetermined engine speed when the belt slip determining section determines that the slip therebetween occurs*.

For the following reasons Shibuya fails to teach or suggest such a control apparatus.

Shibuya teaches increasing the engine speed “to prevent” a belt slip. *See, e.g.*, col. 6, lines 28-31, 59-66. In contrast, claim 1 recites that the engine speed is increased “when the belt slip determining section determines” that a belt slip has occurred. As a result, whereas Shibuya teaches preventing belt slippage, the invention recited in claim 1 addresses responding to belt slippage. In addition, although Shibuya teaches increasing the engine speed (to prevent belt slippage), Shibuya does not specify the amount by which the engine speed is to be increased and, therefore, Shibuya fails to teach or suggest that the engine speed is increase by a specific “predetermined” amount, as recited in claim 1.

As Shibuya fails to teach or suggest at least the above-italicized limitations of claim 1, Shibuya can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claims 2-4 depend from claim 1, each of these dependent claims is also allowable over Shibuya, without regard to the other patentable limitations recited therein. Accordingly, Applicants respectfully request a withdrawal of the rejection of claims 1-4 under § 102(b).

b. Claim 11

As amended, claim 11 recites a control method for an automotive vehicle, which includes, among other possible things: “a continuously variable transmission associated with an engine and including a belt that transmits a revolution of a primary pulley to a secondary pulley that is enabled to make a gear shift by modifying a pulley ratio between the primary and secondary pulleys with a hydraulic.” This control method includes, among other possible steps (*italic emphasis added*):

determining if a belt slip between at least one of the primary and the secondary pulleys occurs; and

outputting a signal to command an engine control unit to increase an engine speed by a predetermined engine speed at a time of determining that the slip therebetween occurs.

For the following reasons Shibuya fails to teach or suggest such a control method.

As previously discussed, Shibuya teaches increasing the engine speed “to prevent” a belt slip. *See, e.g.,* col. 6, lines 28-31, 59-66. Moreover, Shibuya also fails to teach or suggest increasing the engine speed by a specific “predetermined” amount. In contrast, claim 11 recites both: (a) determining when a slip occurs; and (b) outputting, in response to such slippage, a signal to command an engine control unit to increase an engine speed by a *predetermined* amount. As a result, the same arguments previously set forth with respect to claim 1 are equally applicable to claim 11.

As Shibuya fails to teach or suggest at least the above-italicized limitations recited in claim 11, Shibuya can not be used to reject claim 11 under 35 U.S.C. § 102(b). Accordingly, Applicants respectfully request a withdrawal of the rejection of claim 11 under § 102(b).

4. New Claim 12

New claim 12 recites a control apparatus for an automotive vehicle. This control apparatus includes, among other possible things (*italic emphasis added*):

- an engine control unit;

- an oil pump, which serves as a hydraulic source, driven by an engine;

- a continuously variable transmission associated with the vehicular engine, the continuously variable transmission comprising:

- a primary pulley;

- a secondary pulley; and

- a belt that transmits a revolution of the primary pulley to the secondary pulley, wherein the belt is enabled to make a gear shift by modifying a pulley ratio between the primary and secondary pulleys with the hydraulic;

- a hydraulic supplying section that supplies an original hydraulic and a control hydraulic to the primary and second pulleys to control the pulley ratio;

- a hydraulic determining section that is configured to determine whether the original hydraulic of the hydraulic supplying section *is equal to or below a predetermined hydraulic when an engine idling is carried out during a vehicular stop*; and

- an output section that outputs a signal to command the engine control unit to increase the engine idling speed by a predetermined engine speed.

Shibuya fails to teach or suggest a control apparatus that includes a hydraulic determining section, which is configured to determine “whether the original hydraulic of the hydraulic supplying section *is equal to or below a predetermined hydraulic when an engine*

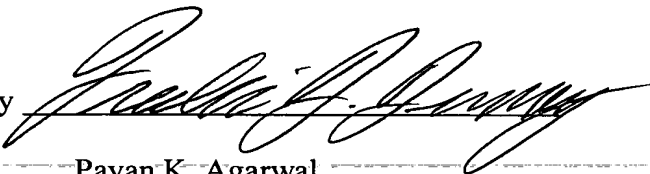
idling is carried out during a vehicular stop," as recited in new claim 12 (and as previously recited in canceled claim 10). Accordingly, new claim 12 is allowable over Shibuya for at least this reason.

CONCLUSION

For the aforementioned reasons, claims 1-9, 11 and 12 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HERewith, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HERewith, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.